

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 24 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

----- X
IDA OTERO,

NOTICE OF REMOVAL

CV 18-4196
Civ. Action No. 18-____

Plaintiff,

v.

(_____, J.)
(_____, M.J.)

DeARCY HALL, J.

MDC BROOKLYN

MANN, M.J.

Defendant.
----- X

TO: THE HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK:

PLEASE TAKE NOTICE that an action pending in the Civil Court of the City of New York, County of Kings, has been removed to the United States District Court for the Eastern District of New York.

Defendant, MDC Brooklyn, by and through its attorney, Richard P. Donoghue, United States Attorney for the Eastern District of New York, Alex S. Weinberg, Assistant U.S. Attorney, of counsel, respectfully state the following facts upon information and belief:

1. The Metropolitan Detention Center - Brooklyn ("MDC") is named as defendant in the above-captioned civil action, which was commenced, and is now pending, in the Civil Court of the City of New York, County of Kings, under Index No. 16899-2018.

2. According to the Verified Petition in Support of an Order to Show Cause, which is dated July 16, 2018, this is an action arising from a housing dispute between plaintiff and defendant. As against MDC, plaintiff seeks injunctive relief in the form of an order to restore her to possession of the subject premises. Pursuant to 28 U.S.C. § 1446(a), copies of the Verified Petition in Support of an Order to Show Cause are annexed hereto as Exhibit A.

3. MDC is a facility owned and controlled by the U.S. Bureau of Prisons, Department of Justice, a federal agency of the United States of America.

4. Pursuant to 28 U.S.C. § 1442(a)(1), this action may be removed to this Court.

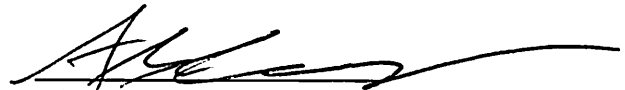
WHEREFORE, it is respectfully requested that the above-captioned action now pending in the Civil Court of the City of New York, County of Kings, be removed to this Court.

In accordance with 28 U.S.C. § 1446(d), the filing of a copy of this notice with the Clerk of the Court, Civil Court of the City of New York, County of Kings, shall effect the removal and the state court shall proceed no further unless and until the case is remanded.

Dated: Brooklyn, New York
July 24, 2018

RICHARD P. DONOGHUE
United States Attorney
Eastern District of New York
Attorney for Federal Defendants
271-A Cadman Plaza East
Brooklyn, New York 11201

BY:



Alex S. Weinberg
Assistant U.S. Attorney
(718) 254-6616

TO: Clerk of the Court
Civil Court of the City of New York
County of Kings
141 Livingston Street
Brooklyn, NY 11201

Ms. Ida Otero
9325 Fort Hamilton Parkway
Brooklyn, NY 11209
Pro Se Plaintiff

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Exhibit A

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BROOKLYN OFFICE

WARNING TO RESPONDENT

**YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN
THE AWARD OF POSSESSION TO THE PETITIONER**

Civil Court of the City of New York

County of _____

Index Number 16899

Part

Ida Otero

Petitioner,

against

**ORDER TO SHOW CAUSE
IN LIEU OF NOTICE OF PETITION
TO RESTORE TO POSSESSION
[No Existing Proceeding]**

MDC Brooklyn/Huqac
81 1st Street
Brooklyn, NY 11232 Respondent

Address: 9325 Ft. Hamilton Pkwy
(Address of Premises)

Brooklyn, NY 11209 Apt. # D5C

Upon the annexed Verified Petition of Ida Otero

the above named Petitioner(s), sworn to on 7/16/18

LET the Respondent(s) or Respondent(s) attorney(s) show cause at a Motion Term of the:
Civil Court of the City of New York

Located at: 1211 Livingston Street, Brooklyn, NY 11201

on: July 24, 2018, at 9:30 A.M., in Housing Part: P, Room 506

or as soon thereafter as counsel may be heard, why a Judgment should not be rendered:

AWARDING AND RESTORING the Petitioner(s) to possession of the premises;
ISSUING A WARRANT OF EVICTION, FORTHWITH, together with costs and disbursements;
AWARDING TREBLE DAMAGES following RPAPL § 853; and/or
GRANTING such other and further relief as may be just.

PENDING the hearing of this proceeding and the entry of a Judgment thereon, Respondent(s) and Respondents attorney(s) or agent(s) is/are:

1. ☒ Stayed from re-letting the subject premises;
2. ☐ Stayed from removing any of the contents of the premises;
3. ☐ Ordered to permit Petitioner access for the limited purpose of obtaining Petitioner's possessions;
4. ☐ _____
5. ☐ _____

SERVICE of a copy of this Order, together with the annexed Verified Petition, upon the Respondent(s) (Personally) (by Certified Mail, Return Receipt Requested) on or before July 16, 2018 shall be deemed good and sufficient. Proof of such service may be filed in the Clerk's Office of Housing Part before the return date of this Order to Show Cause, or on the date of trial with the Clerk in the Part indicated above. Petitioner may serve these papers in person.

July 16, 2018
Date

CHRISTOPHER J. GONZALES

Judge, Housing/Civil Court

Civil Court of the City of New YorkCounty of Kings

Part

[Please Press Hard]Index Number 116899/18Y Ida Otero

Petitioner,

against

**VERIFIED PETITION IN SUPPORT OF AN
ORDER TO SHOW CAUSE****To Restore to Possession****[RPAPL § 713, Subd. 10]**Address: 9325 Ft. Ham. Pkwy

(Address of Petitioner)

Brooklyn, NY 11209 Apt. # D5CL MDC Brooklyn

Respondent

PETITION1. The Petitioner, Ida Otero, is the lawful occupant and theCynthia Hugar of the above indicated apartment, and has resided there since 2009.2. The Respondent(s) L MDC Brooklyn / Cynthia Hugar,a) is/are the owner of the subject premises and is/are currently in possession;b) gained occupancy forcibly, without the consent or authorization of the Petitioner, and continue(s) to forcibly and unlawfully withhold possession from the Petitioner (*obtained possession by force, without permission of the Petitioner, and continue(s) to keep Petitioner from possession by force and unlawfully*);c) has/have not been in quiet enjoyment of the subject premises for three years (*took possession less than three years ago*).d) Description of facts: The sent a notice that I should move out. Then they talked me out on July 10. This owner is also my employer. I been having problems with my rent made attemp to make payments, money was sent back. I recently made a payment of \$20,600.00 check has not returned.

3. Petitioner requests that an Order be entered placing the case on the calendar for trial on a day certain on the issue of whether or not a Judgment should be rendered:

a) awarding and restoring the Petitioner to possession of the subject premises;

b) providing for the issuance of a warrant of eviction forthwith, together with costs and disbursements; and

c) awarding treble damages following RPAPL § 853.

4. Petitioner further requests permission be granted for the petitioner to serve these papers in person, and such other relief as this Court deems proper.

5. No prior application has been made for the relief sought herein.

7/16/18
Date

Signature of Petitioner

VERIFICATION

State of New York, County of _____ ss:

_____, being duly sworn, deposes and says:
s/he is the petitioner named above, that petitioner has read the petition and knows the truth of the contents thereof except for those matters alleged to be on information and belief, and as to those matters petitioner believes them to be true.Sworn to before me this 16 day of July, 2018

Signature of Court Employee and Title, or Notary Public

Signature of Petitioner